

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
SOUTHERN DIVISION

JO ANN SPEIGNER HENSON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 1:07CV265-MHT
	)	
MICHAEL J. ASTRUE, Commissioner	)	
of Social Security,	)	
	)	
Defendant.	)	

**ORDER**

This action is presently before the court on plaintiff's motion for a hearing (Doc. # 19) in this Social Security appeal. The statutory provision which confers jurisdiction on this court to review final decisions of the Commissioner of Social Security provides that the court may enter judgment on the basis of the pleadings and transcript of the administrative record and that it may remand the case to the Commissioner for consideration of additional evidence. 42 U.S.C. § 405(g). Plaintiff attaches evidence to her motion which does not, as indicated in this court's recommendation, meet the standard for a "new evidence" remand. On an appeal pursuant to 42 U.S.C. § 405(g), the court does not try the issues de novo. Carey v. Apfel, 230 F.3d 131 (5th Cir. 2000)(citation omitted). Accordingly, it is

ORDERED that plaintiff's motion for a hearing is DENIED.

DONE, this 12<sup>th</sup> day of March, 2008.

/s/ Susan Russ Walker  
SUSAN RUSS WALKER  
UNITED STATES MAGISTRATE JUDGE